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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,659

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Robert C. Hochtritt

1517-1032

7581

466

7590

09/30/2008

YOUNG & THOMPSON

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EXAMINER

WAGGONER, TIMOTHY R

ART UNIT

PAPER NUMBER

3651

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/660,659	Applicant(s) HOCHTRITT ET AL.	
	Examiner TIMOTHY R. WAGGONER	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 and its dependent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler USPN 1,898,983 in view of Petterson et al. 5,100,020.

Wheeler discloses a wall mountable high capacity towel dispensing cabinet comprising first and second sections. The first section is straight with the second section extends at an angle. Wheeler does not disclose exact angles but testing different angles is common practice.

Wheeler does not disclose a stand which holds the two sections at oblique angles relative to a horizontal surface.

Petterson teaches using a stand supported by rubber feet to support a high capacity dispenser as claimed. The rubber feet holding the dispenser fixedly on a counter.

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It would be obvious to one skilled in the art to mount the Wheeler to a stand as taught by Petterson because it allows for a high capacity dispenser to be used on a counter top, or other narrow flat surfaces.

Claim 1-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breger USPN D310,923 in view of Petterson et al. 5,100,020.

Breger discloses a wall mountable high capacity towel dispensing cabinet comprising first and second sections. The first section is straight with the second section extends at an angle.

Breger does not disclose a stand which holds the two sections at oblique angles relative to a horizontal surface.

Petterson teaches using a stand supported by rubber feet to support a high capacity dispenser as claimed. The rubber feet holding the dispenser fixedly on a counter.

It would be obvious to one skilled in the art to mount the Breger to a stand as taught by Petterson because it allows for a high capacity dispenser to be used on a counter top, or other narrow flat surfaces.

Claim 1-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hubanks et al. USPN 6,543,641 in view of Petterson et al. 5,100,020.

Hubanks discloses a wall mountable high capacity towel dispensing cabinet comprising first and second sections. The first section is straight with the second section extends at an angle.

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Hubanks does not disclose a stand which holds the two sections at oblique angles relative to a horizontal surface.

Petterson teaches using a stand supported by rubber feet to support a high capacity dispenser as claimed. The rubber feet holding the dispenser fixedly on a counter.

It would be obvious to one skilled in the art to mount the Hubanks to a stand as taught by Petterson because it allows for a high capacity dispenser to be used on a counter top, or other narrow flat surfaces.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Any of the above combinations and further in view of Margulies USPN 4,526,291.

The combinations above fail to show flanges cooperating with the cover.

Margulies discloses flanges (46) cooperating with a cover (4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the flanges as taught by Margulies to that of the combinations above in order to provide a more coherent seal between the body and the cover.

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Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Any of the combinations above and further in view of Boone et al. USPN 6,892,898.

Any of the combinations above fail to show a cover being either opaque or transparent.

Boone et al. does disclose a cover being either transparent (316) or opaque (read column 13 lines 52-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify any of the combinations above's cover to be either opaque or transparent as taught by Boone, in order for more easily viewing the interior of the dispenser and as a matter of design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs D283,574, 1,111,962 and 340,355.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY R. WAGGONER whose telephone number is (571)272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

TRW